

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

ANTHONY L. BULLARD,

Defendant.

FROM: THEODORE H. KATZ, UNITED STATES MAGISTRATE JUDGE.

TO: DEBORAH A. BATTS, UNITED STATES DISTRICT JUDGE.

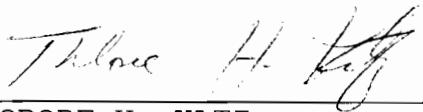
The District Court (Hon. Deborah A. Batts) referred this action to me for the purpose of holding a hearing pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982) ("Curcio hearing"), to determine whether Defendant's counsel had an actual or potential conflict of interest and, if the latter, whether Defendant sought to have new counsel assigned to represent him or was prepared to waive his right to conflict-free counsel. A hearing was held on May 14, 2008, at which Defendant was: (1) advised of his attorney's potential conflict of interest and his right to conflict-free counsel, (2) given time and an opportunity to consider his choices, and (3) advised that the Court was prepared to appoint counsel to consult with Defendant specifically on the conflict issue. Defendant Bullard made the decision to proceed with his present counsel, Edward D. Wilford, and this Court determined that Defendant's choice was made was knowingly and voluntarily.

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Accordingly, for the reasons set forth herein and in the transcript of the May 14 hearing, this Court recommends that the District Court accept Defendant's waiver and permit him to proceed with the counsel of his choice, Edward D. Wilford.

The parties shall have ten days to file objections to this Report and Recommendation with Judge Batts. Defense counsel shall ensure that Mr. Bullard receives a copy of this Report and Recommendation. Failure to file objections shall result in a waiver of objections for purposes of appeal.

Respectfully submitted,

  
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THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE

Dated: May 19, 2008  
New York, New York

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